

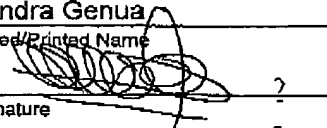


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CERTIFICATE OF FACSIMILE TRANSMISSION I hereby certify that this correspondence is being facsimile transmitted to the U.S. Patent and Trademark Office on the date indicated below. Sandra Genua Typed/Printed Name  Signature June 12, 2006 Date	APPLICATION NO.
	10/633,145
	FILING DATE
	7/31/2003
	FIRST NAMED INVENTOR
	CHANG ET AL
ART UNIT	
2627	
CONFIRMATION NO.	
5429	
EXAMINER	
Blouin, Mark S.	
ATTORNEY DOCKET NO.	
A1301	
TITLE	STAMPED ACTUATOR ARM HAVING LONGITUDINALLY SPACED-APART STAMPED PROTRUSIONS FOR SUPPORTING A TRACE SUSPENSION FLEX

ATTACHED WITH THIS SUBMISSION:

1. Fax Cover sheet (this page)
2. Notice of Appeal (1 page)
3. Pre-Appeal Brief Request for Review for PTO/SB/33 (1 page)
4. Pre-Appeal Brief Request for Review communication (4 pages)

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional) A1641	
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Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a notice of appeal. The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.			
I am the <input type="checkbox"/> applicant/inventor. <input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/86) <input checked="" type="checkbox"/> attorney or agent of record. Registration number <u>45,686</u> <input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34 _____		<div style="text-align: center;">  Signature Joshua C. Harrison, Ph.D., Esq. Typed or printed name (949) 672-6119 Telephone number 12 JUN 06 Date </div>	
NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.			
<input checked="" type="checkbox"/> *Total of <u>One (1)</u> forms are submitted.			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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In re Appln. of: Ken L. Chang, et al.

Art Unit: 2627

Serial No.: 10/633,145

Examiner: Mark S. BLOUIN

Filed: 07/31/2003

Confirmation No.: 5429

For: STAMPED ACTUATOR ARM HAVING
LONGITUDINALLY SPACED-APART
STAMPED PROTRUSIONS FOR
SUPPORTING A TRACE SUSPENSION
FLEX

Docket No.: K35A1301

PRE-APPEAL BRIEF REQUEST FOR REVIEW

MAIL STOP AF
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Applicants request that the present application be reviewed under the provisions of the Pre-Appeal Brief Conference Pilot Program, as published in the Official Gazette of the United States Patent and Trademark Office of July 12, 2005, at Volume 1296 Number 2 and which was extended "until further notice" by Commissioner John Doll on January 10, 2006.

Applicants request Pre-Appeal Brief Review based on clear errors in Examiner's rejections. No amendments are being filed with this request. This request is being filed with a Notice of Appeal.

THE REVIVED FINAL REJECTION IS PROCEDURALLY QUESTIONABLE

On 27APR06, in response to an earlier-filed Pre-appeal Brief Request for Review, a panel of examiners considered and decided to withdraw the same final rejections that are now being made (again) by the examiner.

The examiner acknowledges that the panel was persuaded by Applicant's 13MAR06 arguments, submitted in Applicant's earlier-filed Pre-appeal Brief Request for Review, as the examiner writes (on page 2 of the final office action of 16MAY06): "The applicant's arguments were found persuasive [by the panel] ..."

Yet the examiner now unilaterally revives the same final rejections, and on page 3 of the final office action contradicts the panel by writing: "Applicant's arguments filed March 13, 2006 have been fully considered by they are not persuasive." Is it procedurally proper for an examiner to directly overrule the panel's holding in this way?

THE REVIVED FINAL REJECTION IS SUBSTANTIVELY ERRONEOUS

Clear Substantive Error #1

The final rejection cites paragraph [0048] of Budde (USPub 2002/0163763) as being prior art disclosure of a "stamped actuator arm." However, paragraph [0048] of Budde discloses a stamped "suspension," not a stamped actuator arm. Budde labels and calls-out the suspension 112 separately and distinctly from the actuator arm 114. They are simply not the same component. Moreover, Budde's disclosure in paragraph [0027] that the suspensions 112 are "attached to" the actuator arms 114 is further proof that Budde considers them to be different components – not the same component. Therefore, Budde's disclosure that the suspension is stamped does not suffice as disclosure that the actuator arm is stamped for the purposes of anticipation under 35USC§102(e).

Clear Substantive Error #2

The final rejections depend upon the statement in the final office action that: "Figs. 2 and 3 show that where the tabs are located (202) is thinner than the rest of the actuator arm." This is clearly erroneous for at least two independent reasons.

Firstly, no thickness variation or thickness difference whatsoever is depicted in Figs. 2 and 3. These figures simply show that the suspension load beam area 206 "includes a pair of side rails 222 and 224 that are formed by bending the edges of the load beam upward." See Budde paragraph [0032]. No area is thinner or thicker, one is merely bent upwards.

Secondly, Figs. 2 and 3 depict a suspension 200, not an actuator arm. The suspension includes a base plate area 202, a spring area 204, and a load beam area 206. The base plate of the suspension is "later swaged to an actuator arm," according to Budde paragraph [0029], so how could it possibly already be part of the actuator arm that it is going to be swaged to? The simple answer is that it isn't considered by Budde to be part of the actuator arm.

Clear Substantive Error #3

The claim rejections all depend upon the examiner's conviction that "[t]he suspension 112 and the head gimbal assembly are integral parts of the actuator arm and comprise the full structure as an actuator arm," as the examiner writes without any citation to authority on page 3 of the final office action. However, there is absolutely no support in the Budde specification or in the pending application for this personal conviction.

On the contrary, the Budde specification expressly supports the opposite conclusion. For example, Budde's disclosure in paragraph [0027] that the suspensions 112 are "attached to" the actuator arms 114 indicates that Budde considers them and labels them as distinct components – not the same component. Also for example, Budde's disclosure (in paragraph [0029]) that the base plate of the

suspension is "later swaged to an actuator arm" is further proof that Budde considers them to be distinct components.

Therefore, the protrusions 208, 210, 212 in Budde are clearly not a part of an "actuator arm," as required by all of the presently pending claims. Rather the protrusions 208, 210, 212 in Budde protrude from a "base plate area" 202 of a "suspension" 200 (see e.g. paragraph [0028] of Budde). Budde considers the suspension 200 (including base plate area 202) to be distinct from the actuator arms (called "track accessing arms") 114. See, e.g., the first sentence of paragraph [0027] of Budde.

Clear Substantive Error #4

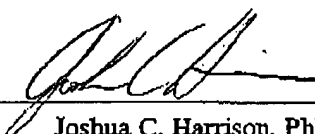
In the alternative, if the examiner is allowed to improperly construe the base plate area 202 of Budde to be part of the actuator arm 114 (rather than being properly construed as part of the HGA that includes suspension 112 and slider 110), then consistency would require that Budde also be understood to lack the teaching of an HGA that includes a base plate (as required by all of the pending claims).

CONCLUSION

Based at least on the clear substantive errors identified and described above, applicant hereby requests that the Review Panel *again* deem the now-revived claim rejections to be improper and to *again* require that they be withdrawn.

Respectfully submitted,

Date: 12 JUN 06

By: 
Joshua C. Harrison, PhD, Esq.
Registration No. 45,686

Western Digital Corporation
20511 Lake Forest Drive
Lake Forest, CA 92630
Tel: (949) 672-6119
Fax: (949) 672-6604